

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

AUG 2 2004

Case No. 5445
Date Filed 8/25/04
Hearing Date _____
Receipt _____
Fee \$450

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code _____

CASE 5445 MAP 56 TYPE Variance

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☒ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

ELECTION DISTRICT 3 LOCATION 415 Cedar Springs Road, Bel Air, Md. 21015

BY William F. Wehland

Appealed because a variance pursuant to Section 267-36B, Table IV of the Harford County Code to allow an addition for an attached garage within the required 15 foot, total 35 foot side yard setback (proposed 8 foot, total 30 foot) in a R1 District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name WILLIAM F. WEHLAND Phone Number 410-515-0257
Address 415 CEDAR SPRINGS ROAD BEL AIR MARYLAND 21015
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 415 CEDAR SPRINGS ROAD BEL AIR, MARYLAND 21055
ROUTE 24 & PLANTERS ROAD - TAKE ROUTE 24 TO RIGHT ON CHESAPEAKE & LEFT ON CEDAR SPRINGS

Subdivision PLAT ENTITLED "REVISION OF SECTION TWO, CEDAR SPRINGS" Lot Number 46

Acreage/Lot Size .46 ACRES 102 FT X 175 FT Election District 03 Zoning R1

Tax Map No. 0056 Grid No. 00030 Parcel 0425 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: PROPERTY NO. A-03-126471
SMALL SHED AT REAR OF PROPERTY - 12' X 8' (STORAGE)

WILLOW DECK 23' X 19' FOR PICNIC USE

Estimated time required to present case: 20 MINUTES

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

SEE ATTACHED

Justification

SEE ATTACHED

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

**Standard Application
Harford County Board of Appeals
Variance from Requirements of the Code
(Continuation Sheet)**

Request (Page 2)

My residence presently has a covered roof single carport attached directly to the home. It is completely open on both ends and the side. It is my desire to have a two-car enclosed garage. This can be achieved by adding a twelve foot addition to the existing carport and enclosing both the new addition and existing carport. The front of the new addition and carport will be fitted with white automatic garage doors. The side of the newly built addition will be brick to match the existing home and will have two windows to match the opposite side of the existing home.

The carport is presently twenty foot from the side property line and by adding the existing new twelve-foot addition it will be eight foot from the side property line. According to the Harford County Code requirements provided to me by phone, any added garage that is attached to the house must be fifteen foot from the property line. However, if the two car garage is detached it can be three foot from the property line and a set back of forty foot in the front and fifty foot in the back.

My request is for a variance approval to add the additional section and complete the two-car addition described above such that the variance requested is from fifteen foot to eight foot or a total of seven foot variance.

Attached are sketches of the proposed construction and a copy of the plat of my property with and without the twelve-foot addition. I have also included a plot plan showing actual shape and dimensions of the lot and neighbor's properties as well as their names and addresses. I have enclosed photos taken of my property to provide the board with a view where the addition would be constructed.

Justification (Page 2)

I have discussed the addition with my neighbors and they have no objection to the addition as proposed. I have considered the alternative of building a detached two car garage with vinyl siding in lieu of brick in the rear of my home and within three foot of the property line and adjacent to the existing wooden deck. It has been determined it is not possible to build it there because of the slope of the property and potential for the creation of a water exit problem through the existing carport.

I have enclosed a letter from Churchville Construction Company which explains the rationale for not building a two car detached garage because of the topographical conditions in the rear of my property and proximity to existing septic system.

The following property owners in the close proximity of my home have a two car garage that is part of their home to name a few:

500 Plumtree Road
513 Plumtree Road
1941 Cypress Road
1924 Cypress Road
1903 Leeland Court

According to the Variance Requirement (Article 267-11) Variances from the provisions or requirements of this Code may be granted if the board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement for the Code would result in practical difficulty or unreasonable hardship; and
- (2) The variance will not be substantially detrimental to adjacent properties, or will not materially impair the purpose of this Code or the public interest.

There are no deed covenants or private restrictions as evidenced by the covenant attached for Cedar Springs.

I believe that I meet the full criteria as stated within the Code for the Board to grant the variance requested and respectfully request the Board to approve my application for the stated variance.

415 Cedar Spring Rd
Harford County, Md.

Lot 46



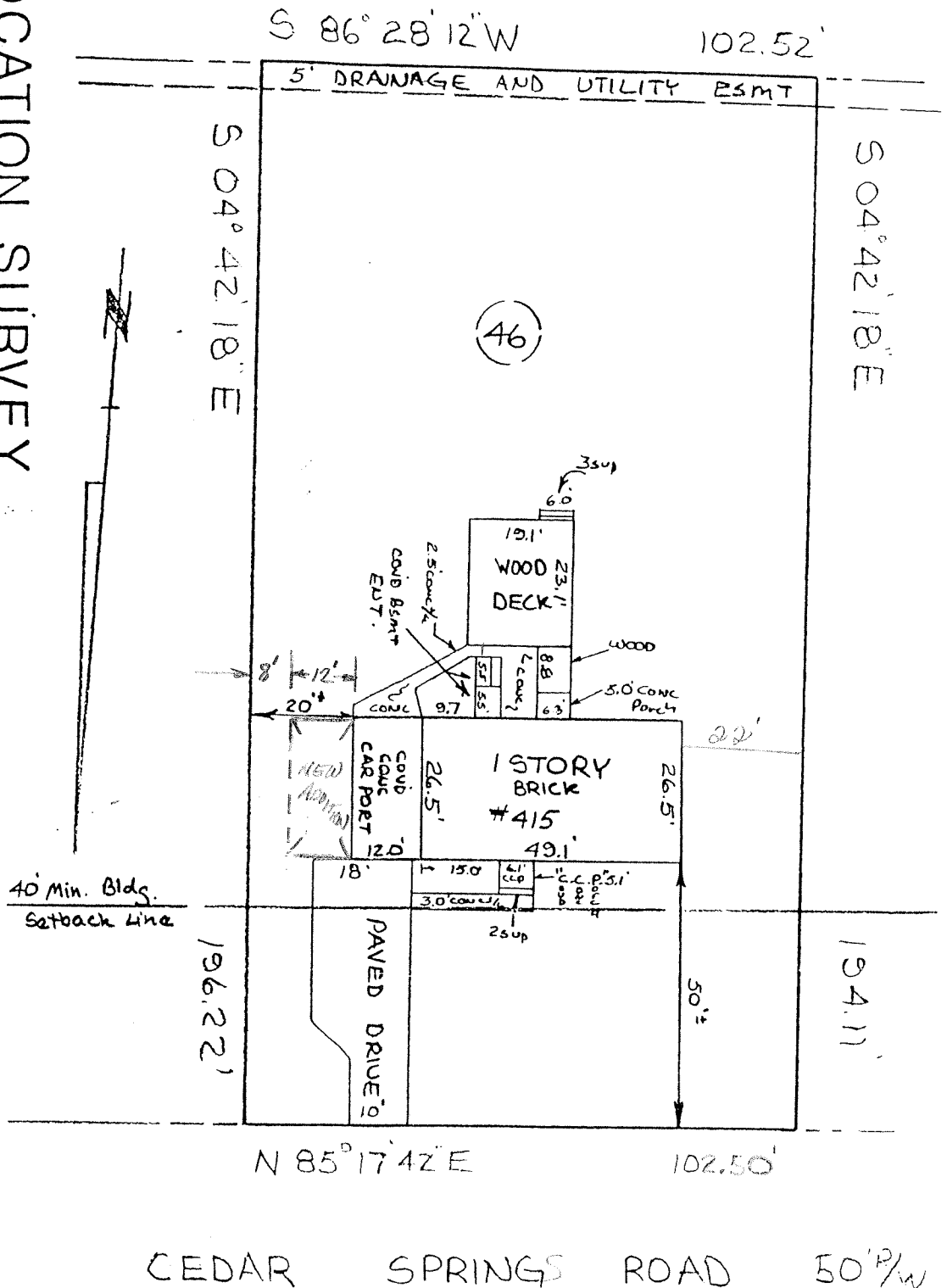
THIS PLAT SHOWS ONLY THAT THE IMPROVEMENTS ARE CONTAINED WITHIN THE OUTLINES OF THE LOT AND IS NOT TO BE USED TO ESTABLISH PROPERTY LINES.

NTT ASSOCIATES INC. 16205 OLD FREDERICK ROAD
MT. AIRY, MARYLAND PHONE 646-5521 or 442-2031

SCALE 1"=30'
DATE 11-10-91

FIELD BY JOG
DRAWN BY JOG

DRAW NUMBER	DATE	DESCRIPTION
1/2	1-1-82	



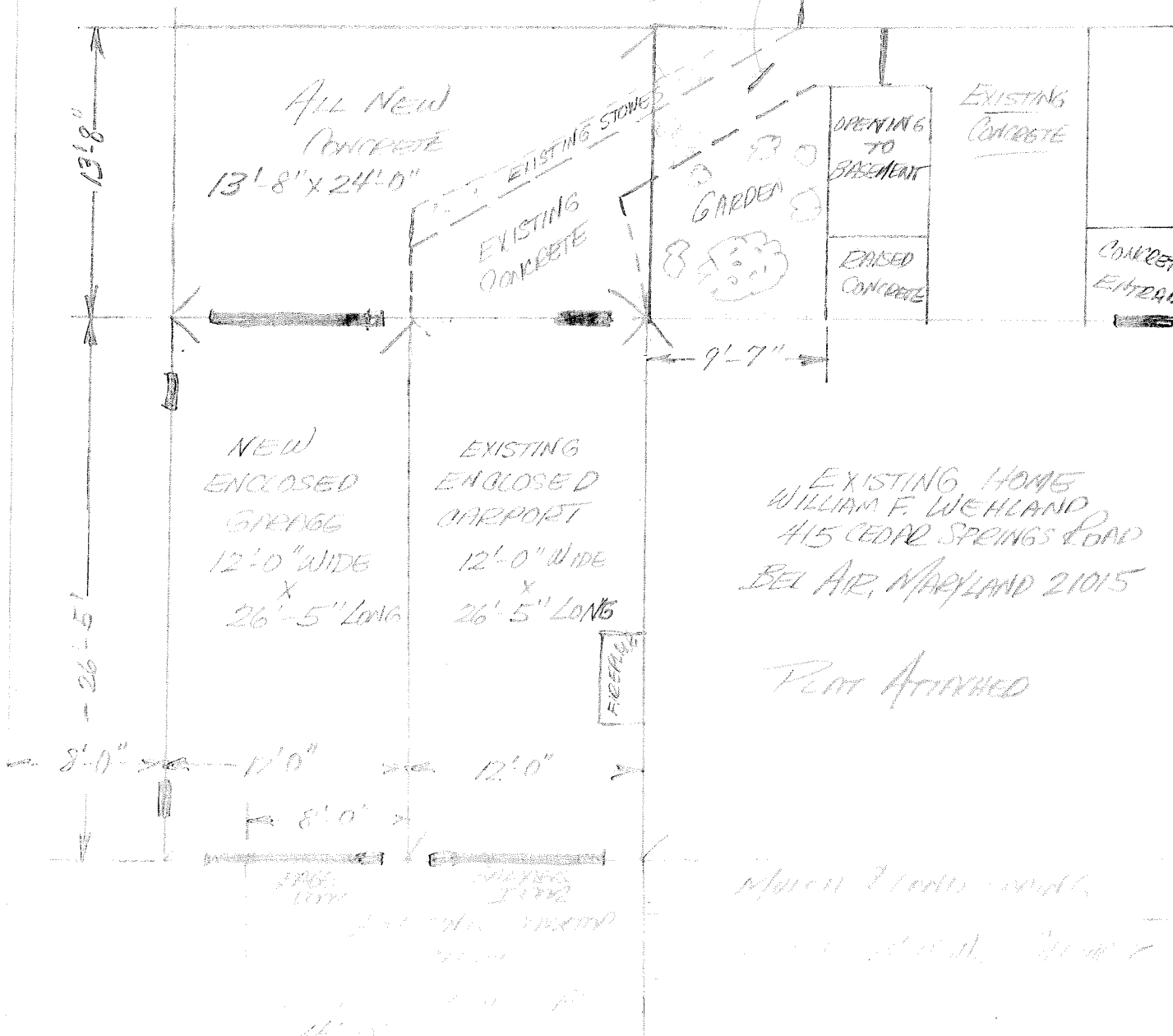
WILLIAM F. WEHLAND
 415 CEDAR SPRINGS ROAD
 BEL AIR, MARYLAND 21015
 410-515-0257 (HOME)
 410-628-8623 (WORK)

NEW CONCRETE PATIO

$$\begin{aligned} 12'0" \times 12'0" &= 144 \\ 13'0" \times 24'0" &= 312 \\ \hline \text{TOTAL} &= 456 \\ &= 41'0" \times 11'0" \\ &= 451.8 \text{ SQ. FT.} \end{aligned}$$

EXISTING WOOD
 DECK
 ON VINYL FLOOR
 19'-1" x 23'-1"

PROPERTY LINE



JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



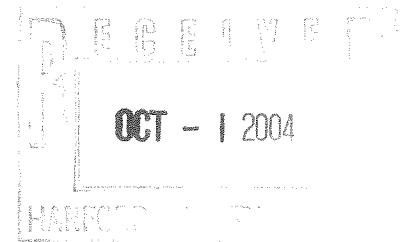
J. STEVEN KALL-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

September 30, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5445

APPLICANT/OWNER: William F. Wehland
415 Cedar Springs Road, Bel Air, Maryland 21015

REPRESENTATIVE: Applicant

LOCATION: 415 Cedar Springs Road – Cedar Springs Section II
Tax Map: 56 / Grid: 3C / Parcel: 0425 / Lot: 46
Election District: Third (3)

ACREAGE: 0.46 of an acre

ZONING: R1/Urban Residential District

DATE FILED: August 25, 2004

HEARING DATE: October 13, 2004

APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

CODE REQUIREMENTS:

The Applicant is requesting a variance pursuant to Section 267-36B, Table IV of the Harford County Code to allow an addition for an attached garage within the required 15 foot setback,

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

STAFF REPORT

Board of Appeals Case Number 5443

William F. Wehland

Page 2 of 4

total of 35 foot side yard setback (8 foot, total of 30 foot proposed) in an R1/Urban Residential District.

Enclosed with the report is a copy of Section 267-36B, Table IV of the Harford County Code (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located north of Plumtree Road in the development of Cedar Springs. The lot has frontage on the south side of Cedar Springs Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

This area of the County is located within the Development Envelope. Land use designations include Low, Medium and High Intensities. The Natural Features Map reflects stream buffer systems, parks and sensitive species project review areas. The subject property is designated as Low Intensity, which is defined by the 2004 Master Plan as:

Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses in the area are consistent with the intent of the Master Plan. Residential uses include single-family dwellings, townhouses, garden apartments and condominiums. Commercial uses include individual retail uses, shopping centers for vehicle related services and personal and professional services. Enclosed with the report is a copy of the aerial photograph (Attachment 7).

The Applicant's property is a rectangular shaped single-family lot. The property is approximately 0.46 of an acre in size. The topography is level to gently sloping, rising gently up from the road to the dwelling and level in the rear. There appears to be a slight rise in elevation along the left property line and small berm and swale that has been created to carry water away from the subject property. While minor grading would be required, it does not appear that the existing topography would prevent a detached garage from being constructed in the rear yard as

STAFF REPORT

Board of Appeals Case Number 5443

William F. Wehland

Page 3 of 4

several of the neighbors have done. Improvements consist of a brick and frame, one-story single-family dwelling with a one-car attached carport and blacktopped driveway. Detached and to the rear of the dwelling is a large, ground level wooden deck. The property contains large, mature trees and shrubbery. Several of the trees along the left property line are marked for removal. The property is nicely landscaped and all the improvements appear to be well maintained. Enclosed with the report is a topography map, an enlargement of the aerial photograph and site photographs (Attachments 8, 9 and 10).

Zoning:

The zoning classifications in the area are consistent with the intent of the 2004 Master Plan as well as the existing land uses. Residential zoning includes R1 through R4/Urban Residential Districts. Commercial zoning includes RO/Residential Office, B1/Neighborhood Business, B2/Community Business and B3/General Business Districts. The subject property is zoned R1/Urban Residential District as shown on the enclosed copy of the Zoning Map (Attachment 11).

SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-36B, Table IV of the Harford County Code to allow an addition for an attached garage within the required 15 foot setback, total of 35 foot side yard setback (8 foot, total of 30 foot proposed) in an R1/Urban Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

There are several properties in the immediate vicinity of the subject property that have constructed detached garages with topography more severe than the subject property. A majority of the dwellings in the development were constructed with one-car attached carports. Only a few of the dwellings have attached garages. These dwellings were originally designed to incorporate the garage into the dwelling while maintaining the appropriate setbacks. Several of the homes in the area have detached garages and a small percentage have no garages or carports.

A variance shall not exceed the minimum adjustment necessary to relieve the hardship imposed by the literal enforcement of the Code. The Courts have stated that the need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the Applicant.

STAFF REPORT

Board of Appeals Case Number 5443

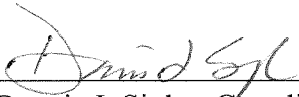
William F. Wehland

Page 4 of 4

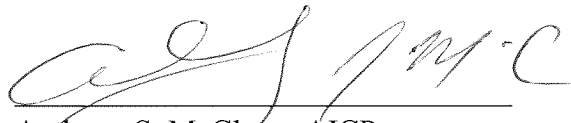
The Applicant has the opportunity to enclose the existing carport to create a one-car garage or construct a detached garage in the rear yard without requiring a variance.

RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning finds that the subject property is not unique and therefore recommends that the request be denied.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka